

**887 Massachusetts Avenue, Arlington, Massachusetts**

**Submission for the Arlington Redevelopment Board**

The 887 Massachusetts Avenue real estate is owned by Carowell, LLC, a Massachusetts limited liability company and the two principals of the LLC are Attorney Deborah Nowell and Contractor John Carney.

Attorney Nowell has been an attorney in Arlington for many years and specializes in real estate law and John Carney has been a contractor for many years working with both residential and commercial properties of all types and kind.

Both Attorney Nowell and Mr. Carney are residents of the Town of Arlington.

The LLC acquired title to the real estate on April 7, 2016 and the real estate which has been vacant and in a rundown condition for many years is located at the corner of Schouler Court and Massachusetts Avenue with the direct abutter on the east side of the property being Arlington High School and on the west side Mystic Wine Shoppe.

The subject lot contains 6,196 square feet.

The Petitioners propose to demolish the existing former gas station building located at the site and construct a three story building in its place consisting of three commercial units on the first level, two, two-bedroom residential units at the second level and two, two-bedroom units on the third level.

The property is located in a B-2A Zone and the zoning relief requested with respect to the Zoning Bylaw is as follows:

1. Section 10.11 - Special Permits
2. Section 5.04 - Table of Use Regulations Specials Permits to allow mixed use in the B-2A Zone.

3. Section 8.07 (a) - Parking in a commercial district
4. Section 8.12 (c) - To allow modification of parking loading space standards; and
5. Section 11.06 - Environmental Design Review

The first floor commercial space will contain a total of 2,477 square feet with the commercial space shown on Plan A-1 with each of units described as UNIT 887-1, 887-2 and 887-3.

Section 8.07(b) provides that the first 3,000 square feet of non-residential space is exempt from any parking requirements contained within the substance of the Zoning Bylaw.

Since the commercial space for the development is under 3,000 square feet there is no parking requirement for the commercial use.

With respect to the residential units, Unit 887-A and 887-C located at the second level the net usable square feet is 1,393 square feet.

For Units 887-B and 887-D located on the third level the net usable square feet for those units is 1,409 square feet.

The parking requirement for the four two-bedroom residential units is six parking spaces.

The plot plan showing the proposed structure drawn by D & A Survey Associates, Inc. submitted with the Petitioners' Application shows six parking spaces; however one of those parking spaces abuts Schouler Court.

Section 8.07(a) of the Zoning Bylaw reads in part as follows:

“For properties located in the B2-A Zone no parking shall be permitted in the front yard, nor shall any driveways directly in front of a structure be permitted without a finding by the ZBA or in cases subject to Section 11.06 by the ARB that the parking or driveway is necessary and convenient to the public interest.”



Petitioners' plans have changed a number of times with respect to the number and size of the residential units to be located at the site and there was even discussion at one point of having a parking space located on the west of the property as it fronts on Massachusetts Avenue; however it was determined that such an approach was not feasible because of the proposed envelope of the building and Petitioners' plans for the overall concept of the building.

With respect to parking, Petitioners need to comply with the provisions of Section 8.07(a) and Section 8.12 of the Bylaw with regard to certain criteria relating to both sections of the Bylaw.

**The Petitioners address that criteria as follows:**

**SECTION 8.07(a)**

The 887 Massachusetts Avenue property has been vacant for many years and is a distinctive eyesore located right next to the Arlington High School campus.

Many developers and contractors have looked at the site and have declined to pursue development at the property in some cases for economic reasons, i.e., they could not justify the monies that would need to be spent to develop the site with respect to the number of units whether residential or commercial which would be allowed by zoning.

The present Petitioners went through the same analysis with respect to economics relating to the proposed development and did so for an extended period of time before electing to proceed with their development plans.

Given their economic issues, it is imperative that they have six (6) parking spaces for the four (4) two-bedroom residential units shown on their plans.

They have determined through a market analysis that it would be very difficult to sell one of the two-bedroom units with only one parking space rather than two. Particularly so when three of the four units would have two parking spaces.

It would be the Petitioners' position that the Members of the ARB could reasonably conclude that it would be necessary and convenient to the public interest to grant their request for a Special Permit for front yard parking given the extended period of time the property has been vacant and in a run down condition located on Massachusetts Avenue, the main thoroughfare through the Town and, if so, the result would be the construction of an attractive mixed use building next to the high school campus and elimination of the derelict, cement old gas station building currently located at the site.

### **SECTION 8.12**

The Petitioners address Section 8.12 criteria as follows:

1. Each parking space shall have minimum dimensions of 8 ½ x 18 feet; (This provision will be complied with)
2. If compact car parking spaces are projected they shall be at least 8 x 16 feet (no compact car parking spaces are projected with respect to Petitioners' plans);
3. For parallel parking a space shall have minimum dimensions of 8 x 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length; (This provision will be complied with)
4. All parking and loading areas containing over five spaces are subject to the following:
  - a. The area and access driveways need to be resurfaced by bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer; (Petitioners have submitted a storm water management plan to the Town Engineer and have obtained the approval of the Town Engineer to that plan. See Stormwater Mitigation site plan drawn by Salem Village Consulting dated May 2, 2017 as well as a letter from the Assistant Town Engineer, William C. Copithorne, P.E. dated May 22, 2017.
  - b. The use of porous asphalt, pervious concrete, paving stones or grass pavers may also be used to meet this requirement in whole or in part subject to the approval of the

Town Engineer; (Once again, the Town Engineer has approved the Petitioners' storm water management plan).

- c. The location of spaces shall be suitably marked by painted lines or other appropriate markings; (The spaces shall be so marked).
- d. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials; (This provision will be satisfied).
- e. Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of twenty-four (24) feet in the case of two-way traffic or the following widths in the case of one-way traffic only. (Petitioners' parking plans show one-way traffic).

Angel of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

This requirement will be satisfied.

- f. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes. (This provision will be satisfied).
- g. Any portion of any entrance or exit driveway shall not be closer than fifty (50) feet to the curb line of an intersection street. (Petitioners are requesting a Special Permit with respect to this requirement).
- h. Any entrance or exit driveway shall not exceed twenty-four (24) feet in width at its intersection with the front lot line except for automotive service stations and fire stations. (This section will be satisfied).

The property does not abut residential structures therefore there is no need for buffering between the commercial property and any residential properties.

Parking and loading spaces have been arranged so as to not permit backing of vehicles onto Schouler Court.

Since the total number of parking spaces are fewer than eight (8), bicycle parking is not required in accordance with the provisions Sections 8.13 of the Zoning Bylaw.

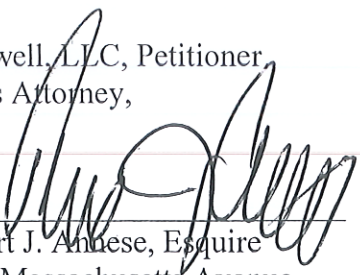
Petitioners' plot plan shows a proposed curb cut onto Schouler Court and the rendering submitted to the ARB depicting the east elevation at the site shows landscaping on the east side of the building consisting of a grass area as well as shrubbery and trees all as further shown on Petitioners' landscape plan.

The Petitioners are in a position to proceed with their construction plans and the relief they are seeking with respect to the parking space issue will allow them to develop the site economically as it is important to their development plans to have six parking spaces in order to effectively market the residential units.

In addition, even though there are no parking requirements for the commercial use a number of the residential parking spaces can be used by commercial employees for parking Monday through Friday as some of the residential occupants will be taking their cars to their place of employment. It should also be noted that an MBTA carline stop is located just to the west of the property on Massachusetts Avenue in front of the Stop & Shop supermarket and there is also an MBTA stop on the opposite side of Massachusetts Avenue.

The standards of review for the ARB outlined in Sections 1 through 11 of the Environmental Design Review Standards have been addressed in Petitioners Environmental Impact Statement and they respectfully request that the ARB grant their requests for Special Permits.

Carowell, LLC, Petitioner  
By its Attorney,



---

Robert J. Annese, Esquire  
1171 Massachusetts Avenue  
Arlington, MA 02476  
781-646-4911 - Telephone  
781-646-4910 – Facsimile  
E-mail: [law@robertannese.com](mailto:law@robertannese.com)